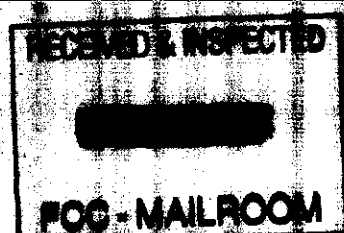


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UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

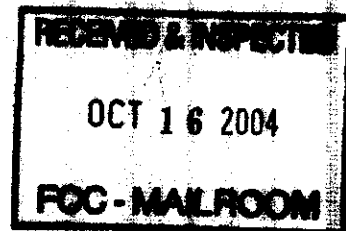
In Re Applications of:

SAN FRANCISCO UNIFIED
SCHOOL DISTRICT

STATION KALW (FM)
For Renewal of License

) MB DOCKET No.: 04-191

) File No.: EB-04-IH-0270



INTERVIEW OF DEIRDRE KENNEDY

Volume: 1

Pages: 1 through 59

Place: San Francisco, CA

Date: September 27, 2004

HERITAGE REPORTING CORPORATION

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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)	
SAN FRANCISCO UNIFIED)	File No.: EB-04-IH-0270
SCHOOL DISTRICT)	
)	
STATION KALW(FM))	
For Renewal of License)	

Suite 200
Renne, Sloan, Holtzman & Sakai
188 The Embarcadero
San Francisco, CA

Monday,
September 27, 2004

The parties met, pursuant to the notice of the
Judge, at 11:00 a.m.

APPEARANCES:

On behalf of the FCC:

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I N D E X

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Testimony Began: 11:00 a.m. Testimony Ended: 12:48 p.m.

1 P R O C E E D I N G S

2 MS. LEAVITT: Dana Leavitt for the Federal
3 Communications Commission.

4 MR. SHOOK: James Shook for the Federal
5 Communications Commission.

6 MS. REPP: Marisa Repp for the San Francisco
7 Unified School District

8 MS. KENNEDY: Deirdre Kennedy with Golden Gate
9 Public Radio.

10 MS. RENNE: And Louise Renne for the San Francisco
11 Unified School District.

12 MS. LEAVITT: Okay. Deirdre, we'd like to get a
13 little background information from you before I start asking
14 you questions about the application that San Francisco
15 Unified School District --

16 MR. SHOOK: You have to swear in the witness.

17 COURT REPORTER: Would you like me to do that?

18 MS. LEAVITT: Yes, could you please. I'm sorry.
19 Thank you.

20 COURT REPORTER: Please raise your right hand.
21 Whereupon,

22 DEIRDRE KENNEDY
23 was called as a witness herein and, having been duly sworn,
24 was examined and testified as follows:

25 MS. LEAVITT: Thank you. Thanks Jim.

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1 MR. SHOOK: Details.

2 E X A M I N A T I O N

3 BY MS. LEAVITT:

4 Q I'd like to get a little background from you,
5 about yourself and your employment history, before we
6 discuss the application that San Francisco Unified School
7 District filed on behalf of Station KALW.

8 So, can you tell me your name and address please?

9 A Deirdre Kennedy, 2206 Greenwich Street, Apartment
10 202, San Francisco, 94123.

11 Q And your education background?

12 A I have a degree in Rhetoric from the University of
13 California at Berkeley, and I have one year of graduate
14 study at the University of California Berkeley Journalism
15 School.

16 Q And your employment history?

17 A Starting?

18 Q Well, let's see, how about 1990?

19 A Okay. In 1990 I was working for KTVU in Oakland,
20 Channel 2, and I worked there part time. I also worked part
21 time at KALW as -- oh, I'm sorry, let me backup. Actually,
22 I started in 1993, I'm sorry. So, I was working at KTVU
23 four or five days a week.

24 Then I also worked at KPSA Radio one day a week.
25 And in 1993, I believe in the Spring, I started working for

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1 KALW as a board op announcer. Around that time I also
2 started doing freelance work for National Public Radio, I
3 don't know the exact dates. I worked initially regularly at
4 KALW, I had a Saturday morning shift opening, and I worked
5 one night a week. So, I had a regular shift for awhile.
6 And I was on-call so I filled in whenever they needed me,
7 and that meant doing a variety of different shifts.

8 I started at KQED in 1996, I want to say in the
9 Fall of 1996, as a freelance reporter. This whole time I
10 worked at KTVU in Oakland several days a week as a writer.
11 I worked at KTVU from 1990 to 2001.

12 Around the same time that I started working for
13 KQED, I did more freelancing for National Public Radio, did
14 stories for -- I don't know how much detail you want --
15 Living on Earth, Marketplace, Weekend Edition, Morning
16 Edition, All Things Considered, a bunch of different shows,
17 affiliated NPR shows.

18 Q And what from what time period were you doing
19 that?

20 A That continues to now. I really started doing
21 that I think in 1996. I think my first piece was in All
22 Things Considered in 1996.

23 Q Okay. And what are you currently doing?

24 A I am currently on contract with KQED in San
25 Francisco. I am currently on medical leave from that

1 contract.

2 Q Okay. And what is your current relationship with
3 KALW?

4 A I'm a listener.

5 Q So, what were your periods of employment at the
6 station?

7 A I believe early 1993 till November 2000, I think
8 November 2000.

9 Q And can you please describe, in a little more
10 detail, your job descriptions or duties when you were at the
11 station?

12 A As a board op announcer I was responsible for
13 recording of programs that went on air, and playing them
14 out. And giving the breaks in between the show. Making
15 sure that the ratings were done on a regular basis, there's
16 a list of calibrations and thing that we would have to go
17 through. Sometimes interviewed guests. Did fund raising,
18 whenever there was fund raising drives I would work
19 additional shifts and get on air and pitch for money.

20 Q And was your tenure from 1993 to 2000, during that
21 time period, what were your hours, were they pretty much the
22 Saturday morning shift --

23 A No, they were all over the place, it changed. I
24 did Friday nights for a long time, and Monday nights for a
25 long time. So, I was a board op on a lot of different

1 shifts.

2 Q Okay. Do you recall your positions and times
3 during the 1996 to 1998 time frame?

4 A I believe I was working on Friday nights. I think
5 it's fair to say that I worked mostly evenings and weekends.

6 Q About how many hours a week would you say?

7 A It varied between eight and 24, depended on the
8 week, the season, during the holidays I'd work more.

9 Q Okay. And were you employed by KALW as a full
10 time employee or part time employee?

11 A No, I was always an on-call announcer employed by
12 the San Francisco Unified School District.

13 Q And during 1996, 1997 and 1998, who were your
14 co-workers and who was your supervisor?

15 A I do not recall the exact date that people started
16 and stopped. My co-workers were always Alan Farley, Bill
17 Helgeson, Joe Burke, Joanne Mar, Joe Hughes, Jason Lopez,
18 sometimes Elaine Chen, Anna Perez, Jeff Ramirez, those are
19 the people I consistently worked with. Oh, and Michael
20 Johnson of course, Michael Johnson was there the whole time.

21 Q And just to backup, when you left KALW, what were
22 the terms of your leaving, why did you leave?

23 A I didn't officially leave, you know, I just became
24 more busy with other projects. Yeah, I didn't really end my
25 employment there.

1 Q So, if they wanted you to be on-call, you would
2 announce again?

3 A Yes.

4 Q Okay. Can you describe or tell me a little bit
5 more about your job responsibilities in terms of any program
6 lists and issue lists, are you familiar with what those are
7 and the FCC requirements regarding those?

8 A I'm somewhat familiar with what those are. I did
9 not have direct contact with those.

10 Q Okay. Can you tell me what your understanding of
11 the program issues lists is?

12 A The program issues list. My understanding is that
13 it lists what program, what topics are covered by programs
14 that contain information that's pertinent to the community.

15 Q Were you involved in preparing any program or
16 issue lists?

17 A No.

18 Q Do you know who was?

19 A No.

20 Q Are you familiar at all with the ownership
21 reports?

22 A I know conceptually what that is.

23 Q And what is your understanding of the ownership
24 report?

25 A It's a formal list of who owns the station, who is

1 on the list of people that -- my understanding is that it's
2 the School Board members in this particular instance.

3 Q And how often did the School Board members change,
4 do you know?

5 A I'm guessing once every two years when there was
6 an election. I will say that when there was an election,
7 the county elections, the School Board members changed, not
8 all of them.

9 Q Did you have any involvement at all in preparing
10 ownership updates or ownership reports?

11 A No.

12 Q Do you know who did?

13 A No.

14 Q What is your familiarity with the station's Public
15 Inspection Files?

16 A In terms of?

17 Q Well, let me backup.

18 A Can you be more specific?

19 Q Yes. Are you familiar with the Commission's
20 requirement that stations maintain a Public Inspection File?

21 A Yes.

22 Q Are you familiar with what might be contained
23 within the Public Inspection File?

24 A Yes.

25 Q What is your understanding of what would be

1 contained within the Public Inspection File?

2 A Ownership lists, underwriting information on who
3 underwrites what shows, I'm sorry, I'm drawing a blank.

4 Q That's okay.

5 A The issues list and, yeah, that's all I can think
6 of at the moment.

7 Q Had you ever, at anytime, looked at the station's
8 Public Inspection Files?

9 A No.

10 Q Do you know where they were located?

11 A In the office.

12 Q Can you be more specific, during the 1996 to 1998
13 time frame?

14 A I was told, by Dave Evans, who is on this list,
15 who is our Chief Engineer, I didn't mention Dave Evans at
16 the time. I was told by Dave Evans that they were in a file
17 cabinet.

18 Q And can you describe the office setting, the
19 location of the office during that time period?

20 A The location at that time, I believe we were at --
21 Burton High School and there were file cabinets all over the
22 office, so, I'm not sure if you're asking me to describe the
23 layout of the office or --

24 Q Yes, if you would?

25 A When you came in the front door there was a

1 reception area, behind it there were mailboxes and
2 computers, and then there were cubicles on the lefthand
3 side, going back to the main hallway that when you turned
4 right led down to the studios. The studios were visible as
5 soon as you came in the front door. You could see all the
6 way into the announcer's studio. And there were file
7 cabinets and various cabinets all across the back of thee
8 office. But there were also file cabinets at people's
9 cubicles, I think. I think most of the cabinets were in the
10 back.

11 Q And who had access to the Public Inspection Files?

12 A Bill Helgeson for sure. And the Station Manager.
13 I do not know who else had access to those cabinets.

14 Q Were you familiar, how frequent was your contact
15 with Mr. Helgeson?

16 A OH, quite frequent, weekly, every time I worked
17 there I would usually see him, he'd be leaving when I'd be
18 arriving for my evening shift. And he would call me to
19 assign me shifts.

20 Q And what was his duty title at that time, in 1996
21 to 1998 time frame?

22 A Well, I think he was Office Manager and I think he
23 was Program Director. He's had different titles. I mean
24 he's been interim manager, so I can't remember specifically,
25 but he was also the person who called me up about shifts, he

1 was always the person who assigned my shifts.

2 Q And what was your relationship with him, your
3 working relationship?

4 A Very friendly, cordial, chatty.

5 Q Are you familiar with some of his other duties, he
6 would contact you to schedule shifts, program director, what
7 is your familiarity with some of his other functions?

8 A I believe he was responsible for making sure that
9 shows were in their slots to go on air. If ever we had a
10 problem with finding a show that was scheduled to run, we
11 would call him. And also he was involved in coordinating
12 fund raising and volunteers.

13 Q How does the station obtain funding?

14 A I cannot say factually what the funding source is.
15 When we pitch on air we say that some of our funding comes
16 from the corporation, Public Broadcasting, but that the
17 majority of it comes from the listeners. And we would also
18 have regular sponsors.

19 Q And who was actually the payor on your checks?

20 A San Francisco Unified School District.

21 Q Who was the Station Manager during the 1996 to
22 1998 time frame?

23 A Jeff Ramirez, I don't know exactly when he
24 started.

25 Q Do you know when he left?

1 A I don't remember when he left either.

2 Q Okay. And what was your contact with him, how
3 frequent?

4 A Minimal.

5 Q And can you be a little more specific, how often?

6 A Sometimes I would, you know, just greet him in the
7 hallway, that was about it. We didn't have any real
8 discussion.

9 Q And did he give you any assignments?

10 A Nothing, no.

11 Q Nothing, okay.

12 A Which was unusual for Station Managers.

13 Q Why do you say that?

14 A Because the other Station Managers had been very
15 involved in our day to day work, giving is feedback about
16 how we sounded on air and very involved in fund raising and
17 boosting morale, and had very little -- I just really didn't
18 know him, I just really didn't know him very well and that
19 was unusual.

20 Q Were you ever aware, at the time that the station
21 filed its renewal application, of the filing of the
22 application?

23 A I knew it was up for renewal, yeah.

24 Q And what did you know about it?

25 A What did I know about?

1 Q The actual filing, how involved were you, if at
2 all, with the filing?

3 A Not involved at all.

4 Q Do you know who was involved in filing?

5 A The Station Manager.

6 Q Did he ever, at anytime, and I assume we're
7 talking about Jeffrey Ramirez, did he ever, at anytime, ask
8 you for input into how to file the application or respond to
9 questions that may have been on the application?

10 A No, we had no discussions.

11 Q You mentioned Dave Evans, what was your
12 relationship with him?

13 A Dave was the Station Manager, excuse me, let me
14 get this a minute.

15 Q Oh sure.

16 MS. LEAVITT: Water break.

17 THE WITNESS: Sorry. Dave was the Chief Engineer
18 and he was either at the station or on the phone to people
19 at the station all the time. He monitored station lot and
20 was very involved in making sure that the calibration was
21 good, everything sounded good, so we had a lot, a lot of
22 interaction with Dave Evans. When I say we, I mean the
23 announcing staff.

24 BY MS. LEAVITT:

25 Q Okay. And what was your understanding of what

1 Dave Evans' functions were as the Chief Engineer?

2 A To make sure that the transmitter was functioning
3 correctly. To make sure that our signal was strong. To fix
4 any engineering problems that we had. He was responsible
5 for the sound of the station and it being maintained on air,
6 is my understanding.

7 Q And how long had he been at the station?

8 A He had been there for quite a while before I got
9 there, I don't know exactly how long.

10 Q And how does his employment, what was the history
11 of his employment with the station?

12 A In terms of?

13 Q Well, did there come a time when he actually left
14 the station?

15 A No, left the employment of the station?

16 Q Well, Dave Evans --

17 A He died. I mean, as we all know, Dave had a car
18 accident and was hospitalized and died.

19 Q And around what time do you recall that time?

20 A I believe he died in January of, it was right we
21 filed the petition, I believe it was, I don't know if it was
22 1997 or 1998, I don't remember the exact date.

23 Q Do you remember when you filed the petition?

24 A December of 1996, I believe. I mean I can look it
25 up, I know, I have --

1 Q Yeah, good.

2 A I just can't remember the dates off the top of my
3 head. 1997. So then Dave died in January of 1998 I
4 believe.

5 Q Do you recall what Mr. Evans' involvement might
6 have been with the application renewal?

7 A At the time I believe he told me that there were
8 documents missing from the Public Inspection File and that
9 he had brought this up to Jeff Ramirez.

10 Q Do you recall what documents he said might have
11 been missing?

12 A I believe he said ownership lists, and the issues
13 list and, you know, I can't remember exactly what else, it's
14 so long ago I can't remember everything about it.

15 Q Do you recall when he had the conversation with
16 Mr. Ramirez?

17 A No, not exactly, no. Before the filing of the
18 renewal application.

19 Q And do you recall exactly when the renewal
20 application was filed?

21 A Well, according to our documents they were filed
22 on August 1, 1997.

23 Q So, if you had to make an estimate as to when the
24 conversation between Mr. Evans and Mr. Ramirez occurred,
25 what would your best estimate be?

1 A That Summer, because I was in Africa for five
2 weeks and when I came back he told me this.

3 Q And what did he tell you about the conversation he
4 had with Mr. Ramirez?

5 A I don't recall the specifics.

6 Q How often or how frequent was your contact with
7 Mr. Evans?

8 A Every time I worked there, it was quite frequent.

9 Q Did you have a relationship outside of the office?

10 A Well, when we formed Golden Gate Public Radio we
11 had conversations. We were not friends socially.

12 Q Okay. What would your characterization of his
13 reputation for honesty be?

14 A He's an extremely sincere person.

15 Q And do you have any specific instances that make
16 you say that?

17 A My experience with Dave Evans was that he was very
18 conscientious and cared a lot about the station and how it
19 sounded, and the quality of the station. That to me
20 represents somebody that's an honest character, I have no
21 experience of him never telling me something that I doubted,
22 that I questioned or felt that he had other motives for
23 telling me.

24 Q So, your assessment is that he is an honest, was
25 an honest person?

1 A Um-hum.

2 Q And how about Mr. Helgeson, what would you say his
3 reputation for truthfulness was?

4 A I just felt that I didn't get complete information
5 from Bill. I wouldn't characterize it as honest or
6 dishonest but more like vague.

7 Q Any particular instances that you can think of
8 that support that?

9 A You know, I can't think of a specific instance
10 offhand. My feeling was when I asked him for information
11 about programs or where they were, that he didn't know. And
12 then I would end up calling other people.

13 Q And would he have had reason to know in his
14 position as Program Manager?

15 A Yes.

16 Q Did you have enough interaction with Mr. Ramirez
17 to form an opinion as to his reputation for honesty?

18 A No, no.

19 Q Can you tell me about Golden Gate Public Radio,
20 what was your involvement in that organization or what is
21 your involvement?

22 A I'm not involved in it anymore. It is not an
23 ongoing entity. It was formed as a non-profit corporation.

24 Q Do you recall when?

25 A In 1997.

1 Q The month?

2 A I think it was around September, October of 1997.

3 Q And who were the founding members?

4 A Jason Lopez, myself, Dave Evans, and Mel Baker.

5 Q And who is Mel Baker?

6 A He was another board op announcer who was on air
7 at KALW and I think may still be on air as a traffic person,
8 I'm not sure.

9 Q And when did you become involved in Golden Gate
10 Public Radio?

11 A At its inception.

12 Q And what was the purpose or the mission statement
13 for the organization?

14 A We wanted to create community, a community service
15 for the San Francisco Bay Area, we wanted to provide
16 community based programming, and we wanted to urge SFUSD to
17 implement the task force funding that SFUSD had initiated.

18 Q And when did you become, when did your involvement
19 in the organization end?

20 A The following Spring.

21 Q So that would have been Spring of 1998?

22 A Yes.

23 Q And why, what was the cause your not becoming
24 involved or not being involved at that time?

25 A I became really involved with freelancing, working

1 at KQED and working for national shows.

2 Q And what was your involvement from its inception
3 to the Spring of 1998, what was your function and what did
4 you do?

5 A I helped somewhat in writing the petition, mostly
6 in an editorial capacity, since I'm not a lawyer.

7 Q Can you describe a little bit in more detail what
8 the petition was and when you filed it?

9 A We filed the petition in December.

10 Q Of 1997.

11 A Uh-hum, and it was our belief that the station had
12 not correctly filed its application for license renewal. We
13 thought that there were other problems at the station as
14 well, the EEOC policies, lack of information about EEOC
15 regulations, and I should just preface that I haven't read
16 the petition in many years and so I am not that familiar
17 with the content. There were a lot of issues that we
18 covered in there.

19 Q And you haven't read it recently?

20 A No, I'm afraid not.

21 Q Okay. Do you recall then, from memory, what the
22 issues were surrounding the station had not filed it's
23 license renewal application in what you deemed an
24 appropriate manner?

25 A That the Station Manager had said that there were

1 documents in the file, that were supposed to be in the file,
2 and they weren't, in the Public File.

3 Q And what was your basis for that belief?

4 A That Dave Evans had told me what documents were
5 supposed to be in the file, and that even after he discussed
6 it with Jeff Ramirez, that they still weren't in the file.

7 Q Was there anybody else working at the station at
8 the time, for the School District, who would have been
9 familiar with the Public Inspection File?

10 A I had a volunteer there who also was involved with
11 the documents in the file, Susan Hecht.

12 Q And Susan Hecht was a volunteer?

13 A Um-hum.

14 Q Do you recall what her term of employment was?

15 A I don't.

16 Q Did you ever have a conversation with her about
17 the contents of the Public Inspection File?

18 A I did not.

19 Q Do you know if she ever prepared anything that
20 documented what was in the Public Inspection File?

21 A From the pleadings that we filed, it's my
22 understanding that she was asked by Mr. Ramirez to prepare a
23 list of what was in the file and that she did so.

24 Q How frequent was your contact with Ms. Hecht?

25 A I think I had met her, I didn't have regular

1 contact with her.

2 Q So, would you have had a basis then to form an
3 opinion as to her honesty?

4 A No, no, no.

5 Q What was the motive for GGPR, the Golden Gate
6 Public Radio, to file the petition, what were you hoping to
7 do by filing the petition?

8 A Save the station.

9 Q Save the program from what?

10 A Well, we felt that it was -- save the station from
11 losing its listenership and, you know, losing its quality as
12 the great station that it had been and could be. We wanted,
13 we thought that the task force suggestions had been really
14 sound and that the station could be this incredible
15 community resource, and we wanted, that was our main
16 motivation, was to keep it as a strong station, we believed
17 we could draw a lot more listeners. We believed KALW and
18 the staff there were capable of bringing in a lot more
19 listeners and getting a lot more support.

20 Q To what do you contribute the cause of lost
21 listenership and other problems?

22 A At the time, to the best of my recollection, it
23 seemed that we didn't really have much guidance at the
24 station. As I said, we really hadn't had much discussion
25 with Mr. Ramirez. We didn't feel that there was, you know,

1 strong leadership at the station.

2 Q Was there anybody, aside from the General Manager,
3 was there anybody from the School Board who was involved
4 with, or who you knew to be involved with the management of
5 the station?

6 A Not that I'm aware. We didn't have any
7 interaction with people at the School Board except for, we,
8 when I say we, I mean the owner staff, except for Tuesday
9 nights we would cover, every other Tuesday we'd cover the
10 SFUSD School Board meeting, which I engineered those
11 broadcasts.

12 Q Did the conversation, during the School Board
13 meetings, did they discuss the running of the station, KALW?

14 A To the best of my recollection it came up as a
15 line item in regards to funding legal services to respond to
16 the petition. I was not at every School Board meeting, so I
17 can't say whether or not it came up as a topic of discussion
18 ever.

19 Q Did Golden Gate Public Radio ever intend to
20 attempt to acquire the station?

21 A No.

22 Q Was that a goal of it?

23 A Not that I'm aware.

24 Q Why do you think that Mr. Ramirez would have
25 failed to heed Susan Hecht's reporting to him on the status